



IFW

## TRANSMITTAL FORM

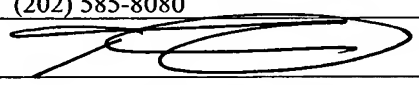
(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/798,471	
	<b>Issue Date</b>	March 11, 2004	
	<b>First Named Inventor</b>	Kenneth David Harris, Jr., et al.	
	<b>Group Art Unit</b>	3764	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>	7	<b>Attorney Docket Number</b>	033964-1100

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply (\$_____) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (\$_____) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement (\$_____) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Notice to File Missing Parts/ Incomplete Application (\$_____) <input type="checkbox"/> A copy of the Notice to File Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) 7 pages <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition (\$_____) <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney to Prosecute Applications Before the USPTO <input type="checkbox"/> Terminal Disclaimer (\$_____) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (\$_____) (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Statement Under 37 CFR 3.73(b)
<b>Remarks</b> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

<b>Firm or Individual name</b>	Tim L. Brackett, Jr., Esq., Reg. No. 36,092 Nixon Peabody LLP 401 9th Street, N.W., Suite 900 Washington, D.C. 20004-2128 Telephone: (202) 585-8000 Fax: (202) 585-8080
<b>Signature</b>	
<b>Date</b>	8-15-05

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Kenneth David Harris, Jr., et al.

Application No./Patent No.: 10/798,471 Filed/Issue Date: March 11, 2004

Entitled: HANDHELD MASSAGING DEVICE

BROOKSTONE PURCHASING, INC., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on April 6, 2005 at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

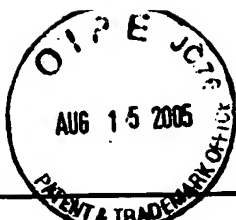
- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

8-15-05  
Date

Tim L. Brackett, Jr., Reg. No. 36,092  
Typed or printed name  
[Signature]  
Signature  
Attorney  
Title



## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

54945

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

54945

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

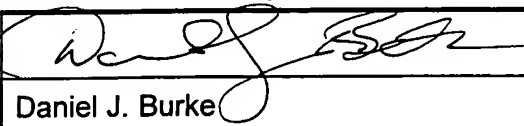
Assignee Name and Address:

Brookstone Purchasing, Inc.  
One Innovation Way  
Merrimack, New Hampshire 03054

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	7-20-05
Name	Daniel J. Burke	Telephone	(603) 577-8185
Title	General Counsel & Assistant Secretary		

## ASSIGNMENT

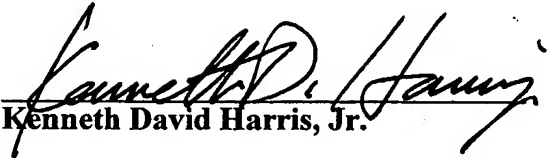
WHEREAS, We, **Kenneth David Harris, Jr.**, a citizen of the United States of America, residing at **77 Richardson Road, Hollis, New Hampshire 03049**, **J. Neil Gleason**, a citizen of the United States of America, residing at **50 Christmas Tree Lane, Milford, New Hampshire 03055**, **Joseph Geringer**, a citizen of the United States of America, residing at **7 Kinsman Lane, Merrimack, New Hampshire 03054**, and **Steven H. Schwartz**, a citizen of the United States of America, residing at **58 McAfee Farm Road, Bedford, New Hampshire 03110** have invented certain new and useful improvements in **HANDHELD MASSAGING DEVICE** for which we have executed an application for Letters Patent in the United States, filed as U. S. Serial No. **10/798,471** on **March 11, 2004**;

AND WHEREAS, **Brookstone Purchasing, Inc.**, a New Hampshire corporation, with its principal place of business at **17 Riverside Street, Nashua, New Hampshire 03062**, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, including salary or payment for the making of inventions, or employee benefits, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

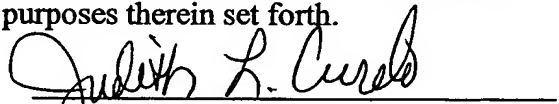
AND WE HEREBY covenant and agree that we will communicate to the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, any facts known to us respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said **Brookstone Purchasing, Inc.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9 day  
of AUG, 2004.

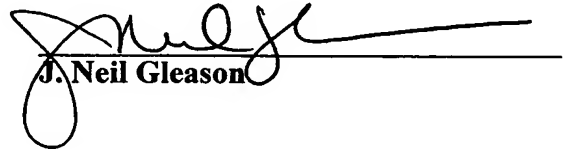
  
Kenneth David Harris, Jr.

STATE OF NH  
COUNTY OF Hillsborough SS:

This 9<sup>th</sup> day of Aug, 2004, before me personally came the  
above-named **Kenneth David Harris, Jr.**, to me personally known as the individual who  
executed the same of his/her own free will for the purposes therein set forth.


  
Notary Public  
Commission expires on \_\_\_\_\_.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9<sup>th</sup> day  
of August, 2004.

  
J. Neil Gleason

STATE OF NH  
COUNTY OF Hillsborough SS:

This 9<sup>th</sup> day of Aug, 2004, before me personally came the  
above-named **J. Neil Gleason**, to me personally known as the individual who executed the  
same of his/her own free will for the purposes therein set forth.


  
Notary Public  
Commission expires on \_\_\_\_\_.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9<sup>th</sup> day  
of AUGUST, 2004.

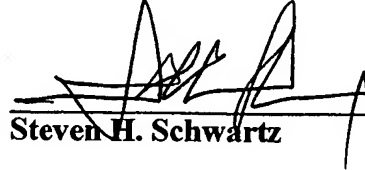
  
Joseph Geringer

STATE OF NH  
COUNTY OF Hillsborough SS:

This 9<sup>th</sup> day of Aug, 2004 before me personally came the  
above-named **Joseph Geringer**, to me personally known as the individual who executed the  
same of his/her own free will for the purposes therein set forth.

  
Notary Public  
Commission expires on \_\_\_\_\_.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10 day  
of August, 2004.

  
Steven H. Schwartz

STATE OF NH  
COUNTY OF Hillsborough SS:

This 10<sup>th</sup> day of Aug, 2004 before me personally came the  
above-named Steven H. Schwartz, to me personally known as the individual who executed  
the same of his/her own free will for the purposes therein set forth.

  
Judith L. Curdo  
Notary Public

JUDITH L. CURDO, Justice of the Peace  
My Commission Expires October 27, 2006